



**CHAPTER 13 PLAN SUMMARY**

The Debtor proposes an initial plan, which is subject to modification, as follows:

**I. Plan Payments**

The plan proposes a payment of \$2,079.00 per month for a period of 60 months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

**II. Administrative Costs****1. Attorney fees.**

- ☒ The attorney for the Debtor will be paid the base fee of **\$4,500.00**. **The Attorney has received \$ 0.00 from the Debtor pre-petition** and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.
- ☐ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.

**2. Trustee costs.** The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses

**III. Priority Claims**

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

**1. Domestic Support Obligations ("DSO")**

- a. ☒ None
- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

- c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

**2. Other priority claims to be paid by Trustee**

Creditor	Estimated Priority Claim
<b>-NONE-</b>	

**IV. Secured Claims****1. Real Property Secured Claims**a. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
<b>Penny Mac</b>	<b>311 Allens Way Kittrell, NC 27544 Franklin County</b>	<b>R</b>	<b>N</b>	<b>\$893.94</b>	<b>\$30,939.78</b>	

**2. Personal Property Secured Claims**a. ☐ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
<b>Go Financial</b>	<b>2012 GMC Sierra 1500 16,000 miles 910 CAR</b>	<b>\$23,312.00</b>	<b>Y</b>	<b>\$0.00</b>	<b>\$233.00</b>	<b>\$459.29</b>	<b>5.5%</b>

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

*To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).*

**3. Collateral to be Released**

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
<b>-NONE-</b>	

**4. Liens to be Avoided**

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
<b>-NONE-</b>	

**V. Co-Debtor Claims**

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
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Creditor	Co-Debtor	Interest Rate	Monthly Payment
<b>-NONE-</b>			

**VI. General Unsecured Claims Not Separately Classified**

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 0 %.

**VII. Executory Contracts/Leases**

a. ☒ None

b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
<b>-NONE-</b>						

**VIII. Special Provisions**

a. ☒ None

b. Other classes of unsecured claims and treatment

c. Other Special Terms

Date: 8-2-16

/s/ Donald D. Pergerson

**Donald D. Pergerson 13069**

Attorney for the Debtor

Address: **406 Dabney Drive  
P. O. Box 2289  
Henderson, N. 27536**

Telephone: **252-492-7796**

State Bar No. **13069**

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:	)	
	)	
<b>Herman Earl Gupton, Jr.</b>	)	<b>NOTICE TO CREDITORS</b>
	)	<b>AND</b>
	)	<b>PROPOSED PLAN</b>
SS# <u>xxx-xx-7326</u>	)	
SS# _____	)	Case No. <u>16-80677</u>
Debtor(s)	)	

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

**Reid Wilcox**  
**Clerk of Court**  
**U.S. Bankruptcy Court**  
**Middle District of North Carolina**  
**P.O. Box 26100**  
**Greensboro, NC 27402**

**Richard M. Hutson, II**  
**Chapter 13 Trustee**  
**Durham Division**  
**Post Office Box 3613**  
**Durham, NC 27702-3613**

**Aaron's Rentals**  
**419 Prosperity Drive**  
**Henderson, NC 27536**

**Army Emergency Relief**  
**200 Stovall St.**  
**Rm 5S33**  
**Alexandria, VA 22332-0600**

**Army-Airforce Exchange**  
**3911 S Walton Walker Blvd**  
**Dallas, TX 75236-1598**

**Attorney General of the United States**  
**US Department of Justice**  
**950 Pennsylvania Ave. NW**  
**Washington, DC 20530-0001**

**Auto Max of Henderson**  
**PO Box 1528**  
**Henderson, NC 27536**

**Brock & Scott, PLLC**  
**5431 Oleander Drive**  
**Suite 200**  
**Wilmington, NC 28403**

**Credit Bureau of Greensboro**  
**P. O. Box 26140**  
**Greensboro, NC 27402**

**Dfas-ci Indianapolis**  
**8899 E. 56 St**  
**Indianapolis, IN 46249**

**Diversified Collections**  
**PO Box 551268**  
**Jacksonville, FL 32255**

Franklin County Clerk of Court  
102 S. Main St.  
Louisburg, NC 27549

Franklin County Tax Collector  
P.O. Box 503  
Louisburg, NC 27549

Go Financial  
7465 East Hampton Ave.  
Mesa, AZ 85209

Home Credit Corporation  
P.O. Box 892  
Henderson, NC 27536

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

L.H. Dickens & Son  
2311 White Level Rd.  
Louisburg, NC 27549

N.C. Employment Security Commission  
PO Box 26504  
Raleigh, NC 27611

NC Department of Revenue  
P.O. Box 25000  
Raleigh, NC 27640-0002

Penny Mac  
P.O. Box 514387  
Los Angeles, CA 90051-4387

Reginald S.Hinton  
Process Agent For NC Dept.Of Revenue  
Post Office Box 25000  
Raleigh, NC 27640-5000

Springleaf Financial  
FKA American General Finance  
891 S. Beckford Dr. Ste B  
Henderson, NC 27536

Sprint  
Attn: Bankruptcy Dept.  
PO Box 7949  
Overland Park, KS 66207

State Employees' Credit Union  
P.O. Drawer 25279  
Raleigh, NC 27611

US Attorney  
Middle District of NC  
101 South Edgeworth St.-4th Floor  
Greensboro, NC 27401

Westlake Financial Services  
4751 Wilshire Blvd., Ste 100  
Los Angeles, CA 90010

Date: 8-2-16

/s/ Donald D. Pergerson

Donald D. Pergerson 13069